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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Naimark et al.

Confirmation No.: 3968

Serial No.: 09/977,758

Art Unit: 3763

Filed: October 15, 2001

Examiner: Kevin C. Sirmons

For: MEDICAL DEVICE FOR
DELIVERING PATCHES

Attorney Docket No: 10177-030-999

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Office Action dated August 1, 2003, in which the Examiner imposed a restriction requirement, please consider and enter the following election and remarks.

REMARKSRECEIVED
AUG 28 2003
TECHNOLOGY CENTER R3700

The Examiner has required an election under 35 U.S.C. § 121 of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 3-9 and 20-34 are generic.

The Examiner has required an election of one of the following species:

Species 1: Figure 1a-1f (claims 2, 19 and 35); and Species II: Figures 4a-4b (claims 10, 11, 12, 13, 14, 15, 16, 17, 18 and 36).

The Examiner contends that the above species are patentably distinct from each other. Applicant respectfully traverses on the ground that the species are not patentably distinct.